

# The Mayor and Council of Hurlock

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JOHN H. AVERY  
CLERK / TREASURER

COUNCIL MEMBERS  
CHRISTOPHER J. ADAMS  
CHARLES T. CEPHAS, SR.  
PARKER J. DURHAM  
GARY L. HENRY  
MICHAEL D. NORDSTROM

## MINUTES OPEN SESSION MEETING August 26, 2013 6:00 P.M.

Mayor Spratt called the meeting to order at 6:00 p.m. in the Hurlock Town Office located on 311 Charles Street. Following the Pledge of Allegiance, Reverend Paul Bovankovich said the opening prayer. The roll call was then taken. Those in attendance were: Councilmembers Durham, Cephas, Nordstrom, Adams, Henry, Mayor Spratt, Attorney Robert Merriken, and Clerk Avery.

The Agenda was approved with a Motion made by Councilman Durham, seconded by Councilman Adams and with no discussion, passed with a vote of 4-1. Councilman Cephas was opposed.

The Minutes of the Open Session Meeting on August 12, 2013 were unavailable.

**Mayor's Report** – Mayor Spratt asked Clerk Avery to speak on the subject of the Board of Supervisors for the upcoming Town election. The names of the people asked and have agreed to serve are Jack Lewis, David Carrier, and Monroe Quailes. Approval from the Council is needed. Councilman Adams made a Motion to accept the three names. Councilman Henry seconded the Motion. With no discussion, the Motion passed with a vote of 4-1. Councilman Cephas abstained.

Mayor Spratt stated that one of the businessmen that attended the last Town meeting informed her that he was approached by a Councilmember after the meeting and asked why he attended the meeting. The Mayor said anyone is welcome to attend a Town meeting and she apologized for the Councilmember that approached him. The Mayor also stated at the last meeting, a statement was made that the Town had spent money on her husband, when Monroe Quailes sued him for misuse of Town equipment. The case was thrown out of court and absolutely none of the Town's money was spent on defending him. Mr. Spratt volunteered to plow the snow, cut grass, sweep the streets,

etc., which saved the Town a lot of money. When he first began doing these jobs, the Mayor had him sign a waiver that if an injury were to incur while operating the equipment, he would not sue the Town. Councilman Cephas stated that he was told the Mayor approached the businessman and asked him to attend the meeting, and as far as the lawsuit, he stated the Mayor made a comment to the paper that Mr. Quailes' lawsuit was costing the Town money. The Mayor denied this accusation. Mr. Joe Spratt was in the audience and announced he would go get the businessman, he arrived back a short time later with the businessman, who denied that he was approached by the Mayor.

Regarding the Open Meetings Act, the Mayor read the answer from the attorney, stating that Councilman Cephas asked that he be appointed as the Open Meetings Act Designee for the Town Council of Hurlock. The letter read that Councilman Cephas is ahead of the curve, as the Legislation that he referenced at the Town meeting does not come into effect until October 1, 2013. There was an attachment referencing the new training requirements for public bodies as well as a copy of the actual Legislation. The training must be completed within six months after the effective date. Any training received before October 1<sup>st</sup> would not satisfy the requirement. The law specifically states in the State Government Article Section 10-502 7B that the training must be completed within 90 days after being designated and since the law does not take effect until after October 1, 2013, no one can be designated until that time. If Councilman Cephas wants to be a designee, it is recommended that the Council make the designation at the first public meeting that occurs after October 1<sup>st</sup>. Mr. Cephas can retake the online course or he could attend the classes offered by the Maryland Association of Counties or the Maryland Municipal League. The online course has good information in it and does not take long to complete. There can be more than one designee. The Mayor suggested that all members of the Council take the course. She, as well as Clerk Avery intends to take the course.

Last September a dinner was prepared for the Town employees. They were also given a small bonus. Mayor Spratt expressed that she would like to do the dinner again this year, but no bonus would be given, as the employees received a 4% raise this year. The Mayor asked for comments from the Council. Councilman Adams made a Motion to approve the dinner for the Town employees with no bonus. Councilman Henry seconded the Motion. With no discussion, the Motion passed with a vote of 4-1. Councilman Cephas abstained.

Mayor Spratt met with State Comptroller Peter Franchot in Cambridge. He praised Amick Foods for the huge expansion they are doing. The Mayor shared with Mr. Franchot the fact that there had been discussion of doing a businessman's dinner sometime in October and inviting citizens of the community and the Town's businessmen. Mr. Franchot indicated he would love to attend the dinner.

The Family Day initiated by Reverend Jeff Phillips, of the Wesleyan Church, along with other churches, will be held on September 21<sup>st</sup> from 3:00 p.m. until 6:00 p.m. on the Hurlock Elementary School property. Reverend Phillips indicated he does not need the Town to do anything except furnish some traffic cones, caution tape, and large trash cans.

He spoke of the Town possibly furnishing hot dogs to give to the children but that is totally up to the Council. The police department and the fire department will be in attendance. The Mayor has a sign-up sheet if anyone is interested in volunteering for fun games for the children. The purpose of the activity is to try to bridge a gap between all the citizens of the Town, beginning with the young people.

Councilman Cephas asked the Mayor if she had been in contact with Nanticoke Hospital Services and if there had been a resolution. The Mayor indicated she had, if fact, been in touch with them and as of yet there is no resolution, but they are very close to reaching one.

**County Councilman Rick Price Report** – County Councilman Rick Price reported that at the last County Council Meeting, it was agreed on by the Board of Education and the Sheriff's Department to install cameras on busses in the North Dorchester and Cambridge areas. This would be done to identify violators who go around a school bus while students are entering and exiting the bus. The Council agreed to have legal counsel prepare a policy to be advertised and a hearing will be held.

Councilman Price gave the Mayor & Council a summary stating information that was requested at the last meeting regarding benefits the North Dorchester area received from the County. Councilman Price indicated highlights of the summary are the financing of the Circuit Court and Orphans Court operation, the State's Attorney's Office, the Public Library, the Detention Center, Emergency Management, the 911 Center, Emergency Medical Services, Animal Control, Recreation & Parks, including the ball fields, Economic Development, Tourism, Board of Education, Chesapeake College, and the Health Department. More specifically Councilman Price looked at records from the last two and a half years and other acts of the County Council as pertaining to the Town of Hurlock have been amending the County Comprehensive Planning & Zoning to account for Municipal growth. Several municipalities were included in that and Hurlock was one of them. The stormwater management that all the towns have been working on will have to be continued. A letter of support was submitted to the USDA for funding of the police department. Some of the components of the Homeland Grant Program for Emergency Management, a two-year property tax credit to Amick, the Letter of Support for the North Dorchester Railroad group which the County feels strongly that this can help the Town of Hurlock and support for some of the roadwork and infrastructure and the Letters of Support for the two Enterprise Zones, the waiver for cleanup day in the Spring for trash and debris and the landfill, and community cleanup. Mayor Spratt thanked Councilman Price for such a detailed report. Mr. Jack Lewis asked if Animal Control is for dogs and feral cats. Councilman Price answered yes. Councilman Cephas questioned if there was a way to do a waiver of the excise tax for someone who wants to build a house and needs relief from that cost. Councilman Price stated it would take an act of the Council to amend or redo the tax to make it easier to do away with that expense. Councilman Cephas felt it would be a boost for more houses and tax bases.

**Department Reports** – Chief of Police, Les Hutton reported that on August 14<sup>th</sup> a community meeting was held at Prospect Park, was well attended and very productive.

He also said he & his wife attended the Back to School Night at Hurlock Elementary School and the first day of school. Chief Hutton expressed how lucky the Town is to have such a great school. The Open House at the police station will be held on September 12, 2013 from 3:00 pm until 8:00 p.m. Councilman Cephas expressed his thanks to Chief Hutton for his participation in the community meeting. He made a lot of people feel good and had a great impact on the community. Councilman Adams, who was in attendance the meeting was impressed how well Chief Hutton and Councilman Cephas worked together.

**Old Business** – The Mayor asked Attorney Robert Merriken to report on the non-residents eligibility to vote. Mr. Merriken researched the subject and found it is a State Law Constitutional Provision; you have to vote where you are a resident. Mr. Merriken cited a couple of years ago Ocean City wrote to the Attorney General regarding this same topic. The Attorney General informed them non-residents could not vote in Town elections. If the Town wanted to pursue this, they would have to go before the Board of Appeals. Mr. Merriken stated if you move to this town with the intention of staying permanently, you are a resident. Election registration requirements say you have a certain number of days to register prior to an election and you cannot make that more than thirty days.

**Old Business** - Clerk Avery explained that there was a bid for a pest control contract from Chesapeake Exterminators. The Town currently uses Orkin Exterminators. Clerk Avery described the condition of the old Hurlock library bathroom. The bathroom had to be closed due to termite damage. Sections of the floor were pulled up to see how extensive the damage was. Clerk Avery met with an Orkin representative at the library, who looked at the damage and evaluated the cost. The proposal for trenching around the entire building, treating the building and would cost \$2,000.00, with a 20% discount would be \$1,600.00. The following day Clerk Avery met with Chesapeake Exterminators, who gave a proposal for the exact same service and they came in at \$650.00, which is a substantial difference. While the difference of the price of the service is not that great, the difference would be huge. The frequency of the service and the quality of the service is considerable. In many buildings, Orkin checks the building one time in a quarter. Chesapeake plans to check monthly on every building the Town owns, including the Boy Scout house, which has never been done, at no cost. This would be done as a community service. They would also do annual termite inspection on all Town owned buildings at no charge. While there is not that much difference in the cost of the service, the quality of the service is much better. Councilman Henry made a Motion to accept a contract with Chesapeake Exterminators. Councilman Nordstrom seconded the Motion. With little discussion, the Motion was passed with a vote of 5-0 and no one opposed.

Attorney Merriken explained the Ordinance for structure for PIA requests. Mr. Merriken stated there is not a standard fee structure for Public Information Act requests. Mr. Merriken had drafted an Ordinance, but suggested that the first draft be deferred until the next meeting in order to give the Council time to review the Ordinance. He suggested possible fees per page depending on the length of the page and if it is in color, there is

also a research fee. Whatever is decided, it should be consistent so that everyone receives fair treatment. Mayor Spratt stated the Town office gets daily PIA requests. She further stated that the Town was getting repeated requests for information from Ministers & Citizens, an organization that Councilman Cephas founded. For a while the requests stopped, but has recently started doing it again. It went on for so long, the Council met with them and made a settlement for \$6,500.00. The Mayor indicated she did not agree with the settlement, however she did not have a vote. Discussion became heated between the Mayor and Councilman Cephas.

Councilman Cephas read a letter from the Attorney General regarding the Open Meetings Act. The Open Meetings Compliance Board's opinion was that the Mayor & Council were consistently violating the Open Meetings Act. Councilman Cephas thanked Counsel for providing correct procedure.

**Agenda Requests** – Kim Truitt spoke to the Mayor & Council of bringing positive things to the meetings. She said she is appalled at the bickering and badgering that takes place at the meetings. If people brought positive ideas to the meetings, it would be possible to move on. Another suggestion Ms. Truitt had was for the Mayor & Council to put a cap on the donations they give to organizations. She also felt that because people use the school playground after hours there should be signs posted at the elementary school, the park near the post office needs work, and she suggested the park on N. Main Street have a basketball court, and maybe a skate park for skate boards and roller skating. Also trees are needed for shade. Mr. Earl Murphy stated that Greensboro had a skateboard park for years, but not on Town property. Perhaps that could be looked into.

Councilman Durham spoke to the citizens in attendance about the Council's pay and expenses. He explained that salaries for councilmembers range from \$10,000.00 to \$14,000.00. Councilman Durham has tried to have the salaries reduced and did actually manage to do that. He presented a visual of what \$10,000.00 looks like, using fake \$100.00 bills. He went on to say he does not work everyday and does not feel he is owed and ten thousand dollar salary. This salary is equal to 5 ½ hours a day at minimum wage for a year. The Councilman indicated he feels it is his civic duty to serve as a councilman. It is not a job. Councilmembers need to hear views and concerns from residents. Councilman Cephas responded that Councilmembers get their training from Maryland Municipal League experiences and training and also Maryland Association of Counties Organization. These are things that Councilmembers use their salaries for. Councilman Cephas spoke of having citizens share in the decision making, by putting items on a referendum, such as the police department. He feels there are more issues than Councilmember's salaries. Councilman Henry stated some of the other Councils receive less salaries but the Town's pay the full MML & MACO expenses. Councilman Cephas made a Motion that both subjects; the construction of the police department and the Council's salaries, be placed on the ballot for the citizens to vote on. There was considerable discussion by Councilman Cephas. Mr. Merriken suggested that Councilman Cephas make a Motion on one of those items. Councilman Cephas agreed and made a Motion that the Town Council's salaries be placed on the ballot for the upcoming election. Councilman Adams seconded the Motion. Councilman Durham

asked what would be charged to put a question on the ballot. There was discussion on this. The decision was made to table this subject until the next meeting. If questions are approved at the September 9<sup>th</sup> meeting there would be time to get the questions on the ballot.

**Public Comments** – Mr. Frank Bittner about serving on the Council is a privilege, not to stuff your pockets. Four years ago the Town people voted for a change, but there is still arguing. Mr. Bittner stated he would like to see a ballot. There was some arguing with Councilman Cephas.

Mr. Monroe Quailles questioned the fact that the \$6,500.00 for the Ministers and Citizens Organization settlement was to be confidential.

Mr. Earl Murphy inquired about the PIA. Can the minutes be placed on the Town website? The answer was that the minutes are on the site. Mr. Murphy went on to ask if information available to the Town could be placed on the website for all the citizens to have access to. He asked Councilman Cephas what, in his opinion, would be affordable housing, Councilman Cephas answered \$85,000.00. Mr. Murphy said if anyone was having problems with their mortgage, he would be happy to talk with them and try to help.

Ms. Karen Mills felt that the Council should already have much of the information that is being requested. The Town spends hours copying information that is unnecessary. Councilman Cephas responded that there is not always a transparency in regards to information.

Ms. Blanch Powell stated she was disappointed in Councilman Cephas and the amount of time that is spent by the staff in order to accommodate the constant information requests. She is in his district, but does not feel he is representing her. She feels there is too much money being spent on lawsuits.

Councilman Cephas' daughter said the Councilmembers are being paid, but there are people always coming to their house, not just the two meetings a month. Councilman Cephas responded that he lets his record speak for itself.

Mr. Jack Lewis suggested the Councilmen decide when and if the residents can meet with them about concerns, then that Councilmember could bring it to the Town meeting. The Mayor said it is up to each member. Mr. Lewis asked about an answer to a memo he sent to the Mayor. She had given it to Councilman Cephas. He said he did not have an answer yet. Mr. Lewis further stated he was happy to see more people here.

Reverend Dickerson questioned what the result was with the case of Ron Small and the Mayor & Council. The Mayor answered it was a matter of public record. Reverend Dickerson felt the Mayor was quick to make the ministers look bad. Councilman Cephas had considerable discussion.

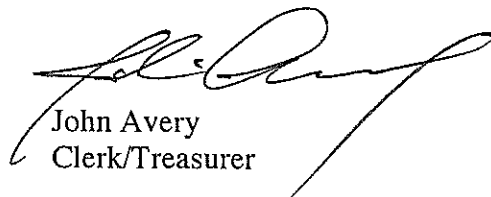
Councilman Cephas' son stated he was a member of the Ministers and Citizens Organization. He wrote the letters for the Freedom of Information Acts. He felt the response to the FIA was not done in a timely manner and that was why they took the matter to court. He further said the Ministers and Citizens does more than try to cause trouble. They help people with financial problems in the community.

Councilman Cephas asked Mr. Merriken if he was aware of what happened to the executive director from Anne Arundel County that was removed for malfeasance. Mr. Merriken was unsure of the outcome.

A young man in the audience spoke to say Councilman Cephas has done a lot to help the community and if the Council is going to be the leaders, then lead by example.

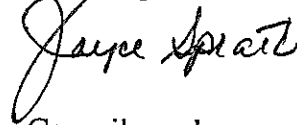
Councilman Nordstrom made a Motion to adjourn the meeting. Councilman Adams seconded the Motion. The meeting adjourned at 8:08 p.m. The next Town meeting will be held on September 9, 2013.

Respectively submitted,

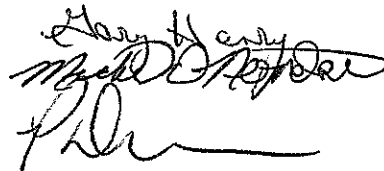
  
John Avery  
Clerk/Treasurer

Approved:

Mayor Spratt:



Councilmembers:



**MOTIONS AND VOTES BY COUNCIL MEMBERS**  
**OPEN SESSION MEETING**  
**AUGUST 26, 2013**

MOTION to approve Agenda was made by Councilman Durham. The Motion was seconded by Councilman Adams and with no discussion, passed with a vote of 4-1. Councilman Cephas abstained.

MOTION to approve the three names submitted to serve on the Board of Supervisors for the upcoming Town election was made by Councilman Adams. The Motion was seconded by Councilman Henry and with no discussion passed with a vote of 5-0, all in favor, none opposed.

MOTION to approve a dinner for Town employees with out a bonus was made by Councilman Adams. The Motion was seconded by Councilman Henry and with no discussion the Motion passed with a vote of 4-1. Councilman Cephas abstained.

MOTION to approve a contract with Chesapeake Exterminators was made by Councilman Henry. Councilman Nordstrom seconded the Motion, and with little discussion, the Motion passed with a vote of 5-0, all in favor, none opposed.

MOTION to place the Town's salaries on the ballot for the upcoming election was made by Councilman Cephas. With some discussion, it was decided to table this subject until the next meeting.

MOTION to adjourn the meeting was made by Councilman Nordstrom. Councilman Adams seconded the Motion.